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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,726	01/17/2002	Douglas R. Frederisy	53394.000607	2555

7590 09/22/2004

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EXAMINER

ALIE, GHASSEM

ART UNIT PAPER NUMBER

3724

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/046,726

Applicant(s)

FREDERISY, DOUGLAS R.

Examiner

Ghassem Alie

Art Unit

3724

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 22, 24-26 and 29.Claim(s) withdrawn from consideration: 1-21, 23, 27 and 30-40.

Allan N. Shoap
Supervisory Patent Examiner
Group 3700

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's amendment after final failed on 08/10/04 has been considered, but fails to place the application in condition of allowance. Applicant's argument that Lobash does not teach an external air applicator is not persuasive. Lobash's air applicator is considered to be an external air applicator, since it is located outside the housing of the hopper 32 and the coupon dispenser 54. The air applicator channel 14 is located outside of the hopper 32 and the coupon dispenser 54 and connects the hopper 32 to the coupon air applicator 54. In addition, the cover 48 is removable and it is the Examiner's position that Lobash's air applicator with or without the cover 48 works the same as the external air applicator in the instant application. In addition, the specification definition of an external air applicator is that the external air applicators in contrast with the internal air applicators do not have a substantially enclosed passage. In this case Lobash's air applicator does not have a substantially enclosed passage, because Lobash's air applicator has several air jets 36 that are connected to the external air. Therefore, Lobash's air applicator is not substantially enclosed. The air jets 36 also define the open passage since they are connected to the external air. See Fig1-3 in Lobash. As point of information, applicant's appears arguing that the external air applicator is unique, applicant attention is directed to the external air applicators at taught by Stephan et al. (5,836,247 and 6,042,107) and Stephan (5,740,740 and 5,941,520), as cited on previous Office action. Each of these of air applicators includes a guide plate having a downstream and opposite upstream, one orifice adapted to direct air flow toward the downstream, and inherently the spacing between the successive parts is increases when the air applied through the orifice.